

**REMARKS**

The present amendment is being made to facilitate prosecution of the application. Previous Claim 3 is hereby cancelled without prejudice or disclaimer. Claims 1, 4 and 9 are amended as shown above. Claims 1, 2, 4-9 are pending with Claims 1 and 9 being independent. No new matter has been introduced.

In the Office Action, Claims 1-9 were rejected 35 U.S.C. § 103(a) as allegedly unpatentable over U.S. Patent No. 5,631,827 (Nicholls) in view of U.S. Patent No. 6,401,078 (Roberts) and further in view of U.S. Patent No. 6,304,856 (Soga).

Independent Claim 1 recites, *inter alia*, a load list template builder, responsive to the list including each shipment for which planning is to be performed, for providing a load list template indicating at least one load, each load having an associated stop, each stop having an associated shipment, an analyzer, responsive to the load list template, for planning in turn how to ship each of the shipments indicated by the load list template by making use of the router and the rater, for providing a load list indicating a carrier and service for each shipment of the load list template, wherein the planning engine passes the router the load list template and the router then determines possible routes for each load of the load list template, the router referring to business rules and to a means for prioritizing the business rules in case of conflict, the router returning to the planning engine a carrier list indicating acceptable routes in terms of a list of carriers and one or more services for each carrier.

As understood by Applicants, Nicholls, Roberts and Soga, taken alone, or in combination fail to teach or suggest that above-cited features of Claim

1. Accordingly, Applicants submit that Claim 1 is allowable.

Claim 9 recites, *inter alia*, load structure determining means for determining load structure as a function of a set of shipment properties introduced to said planning engine, third access means for accessing a rates database and activating a rate determining means for determining a rate value for said shipment via said carrier in accordance with said set of shipment properties, wherein the planning engine passes a router the load list template and a router then determines possible routes for each load of the load list template, the router referring to business rules and to a means for prioritizing the business rules in case of conflict, the router returning to the planning engine a carrier list indicating acceptable routes in terms of a list of carriers and one or more services for each carrier.

As understood by Applicants, Nicholls, Roberts and Soga, taken alone, or in combination fail to teach or suggest that above-cited features of Claim

9. Accordingly, Applicants submit that Claim 9 is allowable.

A review of the other art of record has failed to reveal anything which, in Applicants' opinion, would remedy the deficiencies of the art discussed above, as references against independent Claim 1 and independent Claim 9. Claims 1 and 9 are therefore believed patentable over the art of record.

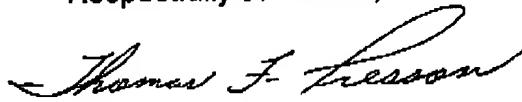
The other claims in this application are each dependent from independent Claim 1 discussed above and are therefore believed patentable for

the same reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, however, the individual reconsideration of the patentability of each on its own merits is respectfully requested.

In view of the foregoing amendments and remarks, Applicants respectfully request favorable reconsideration and early passage to issue of the present application.

Applicants' attorney may be reached at (203) 924-3845. All correspondence should continue to be directed to our below-listed address.

Respectfully submitted,



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